

FILED

JUN - 7 2011

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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NOT POSTED ON WEBSITE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re) Case No. 10-44610-E-7
JAMES L. MACKLIN,) Docket Control No. HSB-002
Debtor.)
_____)

MEMORANDUM OPINION REGARDING DEBTOR'S MOTION TO COMPEL
CHAPTER 7 TRUSTEE TO ABANDON PROPERTY OF THE ESTATE

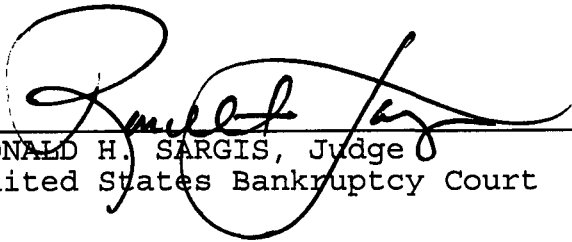
The court is presented with Debtor's motion to compel the Chapter 7 Trustee to abandon the Estate's interest in the real property commonly known as 10040 Wise Road, Auburn, California.

Notice of a motion to abandon property must be afforded to the United States Trustee, all creditors, indenture trustee, and committees elected pursuant to 11 U.S.C. § 705 or appointed pursuant to 11 U.S.C. § 1102. Fed. R. Bankr. P. 6007(a). Notice should be given to these parties even if the movant is not the Chapter 7 trustee. *In re Jandous Elec. Constr. Corp.*, 96 B.R. 462, 465 (Bankr. S.D.N.Y. 1989); accord *In re Caron*, 50 B.R. 27, 29-30 (Bankr. N.D. Ga. 1984). Notice here was not afforded to all creditors. Here, the Debtor only served counsel for Deutsche Bank National Trust Company, the Chapter 7 Trustee, and the Office of the United States Trustee.

1 While the failure to properly serve the motion is cause to
2 deny it without prejudice, the court finds that it is in the
3 interests of justice to continue this hearing to permit the Debtor
4 to re-serve the motion. Therefore, the hearing on the Motion to
5 Compel is continued to 10:30 a.m. June 30, 2011. Debtor is
6 directed to re-serve the motion, notice of hearing, and supporting
7 pleadings on the Chapter 7 Trustee, Office of the United States
8 Trustee, and all creditors by no later than June 14, 2011.

9 The court shall issue a separate order consistent with this
10 opinion.

11 Dated: June 6, 2011

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13 RONALD H. SARGIS, Judge
14 United States Bankruptcy Court
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CERTIFICATE OF MAILING

The undersigned deputy clerk in the office of the United States Bankruptcy Court for the Eastern District of California hereby certifies that the attached document(s) was served by mail to the following entities listed at the address(es) shown below:

Service List:

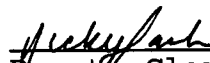
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Sacramento, CA 95814

DATE: 6.7.11


Deputy Clerk